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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/451,446

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HIDEHISA WAKAMATSU

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10/24/2002

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EXAMINER

LEWIS, CHERYL RENE A

ART UNIT

PAPER NUMBER

2177

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Handwritten signature/initials

PR4

Office Action Summary

Application No.

09/451,446

Applicant(s)

Wakamatsu et al.

Examiner

Cheryl Lewis

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 2177

III. DETAILED ACTION

Response to Amendment

1. This Office Action is in response to the applicant's communication, Amendment A, received on July 15, 2002, paper no. 7.
2. Claims 1-5 and 7-35 are presented for examination.
3. Applicant's arguments with respect to claims 1-5 and 7-35 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371⁹ of this title before the invention thereof by the applicant for patent.

5. Claims 1-5 and 7-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Sparks et al. (Pat. No. 6,167,382 filed 6/1/1998).

Art Unit: 2177

6. Regarding Claim 1, Sparks teaches design and production of print advertising and commercial display materials over the internet.

The method and associated system for design and production of print advertising and commercial display materials over the internet as taught or suggested by Sparks includes:

a storing section (col. 4, lines 26-35 and 53-60) storing a display control file (col. 4, line 55) including a character string and a control character string (col. 21, lines 44-48) for controlling the display (col. 4, lines 20-52); holding section holding an index image displaying a single picture to be displayed according to the display control file (col. 4 lines 20-52, col. 5, lines 36-67); a providing section providing an index image held by the holding section according to a request from a searching server (col. 17, lines 33-39 & 48-53, col. 20, lines 10-18), the providing section provides, to the searching server, an index image to be included in a searched result corresponding to a searching request that the searching server receives from the client (col. 21, lines 40-67, col. 22, lines 1-64), the searched result including the index image is provided from the searching server to the client (col. 4, lines 20-52, col. 5, lines 16-67, col. 6, lines 1-67, col. 21, lines 40-67, col. 22, lines 1-64).

7. Regarding Claim 2, Sparks teaches an index image creating section creating an index image on the basis of the display control file (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55).

Art Unit: 2177

8. Regarding Claim 3, Sparks teaches the storing section stores a display file related to the display control file; index image displays contents of the display control file and the display file (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55).

9. Regarding Claim 4, Sparks teaches an index image creating section creating an index image corresponding to a file received from the information providing server (col. 4, lines 53-67); storing section storing the index image created by the index image creating section (col. 4, lines 20-52); receiving section receiving a searching request from the client (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55); searching section searching a file corresponding to the searching request, obtaining an index image corresponding to the searched file from storing section, generating a searched result corresponding to the searching request... (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55); and transmitting section the searched result... (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55).

10. Regarding Claim 5, Sparks teaches the transmitting section transmits the index image, the link information and a file received from the information providing server to the client (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67).

11. Regarding Claims 7 and 9, Sparks teaches an element information storage section collecting and storing element information of the file held by the information providing server (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67); a searching section extracting an element information corresponding to a request given from the client from the element information storage section (col. 4, lines 20-52, col. 5, lines 36-67, col. 6,

Art Unit: 2177

lines 1-55, col. 21, lines 30-67); an index image creating section creating an index image corresponding to element information extracted by the searching section (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67); and a transmitting section transmitting the index image, as a response corresponding to the request, created by the index image creating section to the client (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67).

12. Regarding Claim 8, Sparks teaches a display control file creating section creating a display control file including element information extracted and an index image created (col. 16, lines 56-67, col. 17, lines 1-47); and transmitting a display control file, as the response corresponding to the request, created by the display control file creating section to the client (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67).

13. Regarding Claim 10, the limitations of this claim is noted in the rejection above. It is therefore noted in the rejection above.

14. Regarding Claim 11, Sparks teaches an a transmitting/receiving section transmits a searched request of the file to a mediation server and receives a searched result (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67); index image creating section creating an index image for displaying each of contents of the display control file and display file received from the information providing server by a single picture (figure 8); and a display section displaying contents of the file received from the information providing server together with the index image (figure 32).

Art Unit: 2177

15. Regarding Claim 12, Sparks teaches the index image creating section, a plurality of files are received, creates an index image corresponding to each of the files received, and the display section sequentially displays the plurality of index created images created (figure 32).

16. Regarding Claim 13, Sparks teaches the index image creating section, when a plurality of files are received, creating an index image corresponding to each of the files received, and the display section displays the plurality of index images in arrangement on the same screen (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67).

17. Regarding Claim 14, Sparks teaches the index image creating section, when a plurality of files are received, respectively creates the index images corresponding to each of the files received in accordance with a predetermined priority (col. 20, lines 1-63) and the display control section sequentially displays the plurality of created index images in the sequence of being created by the index image creating section (col. 20, lines 1-63).

18. Regarding Claims 15 and 16, Sparks teaches creating and index image displaying contents displayed by the display control file by a single picture (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67); and transmitting an index image created together with the display control file to another server or the client (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67).

19. Regarding Claim 17, Sparks teaches obtaining element information of a file held an information providing servers (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64); extracting element information corresponding to a request

Art Unit: 2177

given from a client among obtained element information (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64); creating an index image corresponding to extracted element information (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64); and transmitting a created index image to the client (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64).

20. Regarding Claims 18, Sparks teaches creating a display control file including the element information and the created index image; and transmitting the display control file to the client (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64).

21. Regarding Claim 19, Sparks teaches obtaining and storing element information of the files held by an information providing server (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64); creating and holding index images corresponding to each of the element information stored (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64); extracting an index image corresponding to a request given from a client from the index images held (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64); and transmitting the index image extracted to the reference terminal (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64).

Art Unit: 2177

22. Regarding Claim 20, Sparks teaches extracting the element information corresponding to the extracted index image among element information stored (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64); creating a display control file including an extracted element information and an extracted index image (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64); and transmitting a created display control file to the client (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64).

23. Regarding Claim 21, Sparks teaches receiving a file containing a display control file and a display file corresponding to the display control file from an information providing server (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64); creating an index image displaying contents of the display control file and the display file by a single picture and displaying the index image created (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64).

24. Regarding Claim 22, Sparks teaches displaying contents of the file received together with the index image (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64).

25. Regarding Claim 23, Sparks teaches a program by which an information providing server creates an index image, the index image displays a display control file including a display character storing and control character storing for controlling a display by a single picture (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col.

Art Unit: 2177

22, lines 1-64); and a program by which the information providing server transmits to a mediation server the index image created in response to a request given from the mediation server (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64).

26. Regarding Claim 24, Sparks teaches a program by which the information providing server transmits the display control file together with the index image to the mediation server (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64).

27. Regarding Claim 25, Sparks teaches the information server creates an index image, the index image displays a display control file and a display file relating to the display control file by a single picture (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64); and a program by which the information providing server transmits to a mediation server the index image created in response to a request given from the mediation server (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64).

28. Regarding Claim 26, Sparks teaches the information providing server transmits the display control file together with the index image to the mediation server (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64).

29. Regarding Claims 27, 29, and 30, Sparks teaches a program by which a mediation server collects element information of file held by an information providing server (col. 4,

Art Unit: 2177

lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64); a program by which the mediation server extracts the element information corresponding to a request given from a client among the element information collected (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64); a program by which the mediation server creates an index image corresponding to the element information extracted (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64); and a program by which the mediation server transmits the created index image to the client (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64).

30. Regarding Claim 28, Sparks teaches a program by which the mediation server creates a display control file including the element information extracted and the index image created (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64); and a program by which the mediation server transmits the display control file created to the reference terminal (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64).

31. Regarding Claim 31, Sparks teaches a program by which the reference terminal receives from the mediation server a display control file and a display file related to the display control file (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64); a program by which the reference terminal creates an index image displaying contents of the display control file and the display file by a single picture and a

Art Unit: 2177

program by which the reference terminal displays an index image created (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64).

32. Regarding Claim 32, Sparks teaches a storing section storing a display control file, display control file including image data relating to the information, text data relating to the information and control data for displaying the text corresponding to the text data and the image corresponding to the image data to a screen of the client (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64); a holding section holding the index image data corresponding to the information; and a providing section providing the index image data with the client (col. 4, lines 20-52, col. 5, lines 36-67, col. 6, lines 1-55, col. 21, lines 30-67, col. 22, lines 1-64).

33. Regarding Claim 33, the limitations of this claim is noted in the rejection above. It is therefore rejected as set forth above.

34. Regarding Claim 34, Sparks teaches the index image data includes data of a image in which a display size of a image displaying to the screen of the client as the information is reduced (figures 24 and 25).

35. Regarding Claim 35, Sparks teaches the index image includes data of text and a image in which display sizes of text and a image displaying (figures 24 and 25).

36. **THIS ACTION IS MADE FINAL.**

A shortened statutory period for response to this action is set to expire **three** from the mailing date of this action.

Art Unit: 2177

Extensions of time under 37 CFR 1.136(a) do not apply in reexamination proceedings. The provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Further, in 35 U.S.C. 305 and in 37 CFR 1.550(a), it is required that reexamination proceedings "will be conducted with special dispatch within the Office."

Extensions of time in reexamination proceedings are provided for in 37 CFR 1.550(c). A request for extension of time must be filed on or before the day on which a response to this action is due. The mere filing of a request will not effect any extension of time. An extension of time will be granted only for sufficient cause, and for a reasonable time specified.

The filing of a timely first response to this final rejection will be construed as including a request to extend the shortened statutory period for an additional month, which will be granted even if previous extensions have been granted. In no event however, will the statutory period for response expire later than SIX MONTHS from the mailing date of the final action. See MPEP § 2265.

Name of Contact

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is 703-305-8750.

Art Unit: 2177

The examiner can normally be reached on Mon-Thur from 6:30 to 3:00 pm.

The fax phone numbers for the organization where the application or proceeding is assigned are as follows:

(703) 746-7238 (After Final Communication)

or:

(703) 746-7239 (Official Communications)

(703) 746-7240 (For Status inquiries, draft communication)

any/or:

(703) 746-5651 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.)

Any inquiry of a general nature of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).



Cheryl Lewis
Patent Examiner
October 4, 2002



JOHN BREENE
SUPERVISORY PATENT EXAMINER
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